

Office Action Summary	Application No. 10/588,236	Applicant(s) SHIMAHARA ET AL.	
	Examiner NIZAR SIVJI	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 July 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1 and 3-22 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1,3,8,12,15 and 19 is/are rejected.
- 8) ☒ Claim(s) 4 - 7, 9, 11, 13, 14, 16-18, 20-22 is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☒ The drawing(s) filed on 03 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date <u>9/30/2011</u> . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

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DETAILED ACTION

1. In view of the Appeal Brief filed on 7/28/2011, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/George Eng/

Supervisory Patent Examiner, Art Unit 2617

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Allowable Subject Matter

Claims 4 - 7, 9, 11, 13, 14, 16-18, 20-22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is an examiner's statement of reasons for allowance: "the frequency range correspondence table shows a correspondence among the area information, the frequency range, and an audio de-emphasis amount in the identified country or area, the mobile phone includes an audio output unit operable to output audio, and the audio output unit outputs the audio by deemphasizing an audio signal of the broadcast to be received broadcast based on the audio de-emphasis amount corresponding to the specified area information or a reading time recording unit operable to, each time the receiving frequency is read by the receiving control unit, record a last reading time of the receiving frequency in correspondence with the position information corresponding to the receiving frequency in the storage unit; a monitoring unit operable to monitor the last reading time corresponding to the position information at a constant time interval". These limitation in combination of remaining of elements, were not taught not suggested by the prior art.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3, 8, 10, 12, 15, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukumine et al Patent No. 5, 212, 822 in view of Iwanaga et al. Pub. No 2003/0092375 in view of Yoshiki Japanese Pub. No. JP8162909 (Reference in IDS)

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Regarding Claim 1, Fukumine discloses a storage unit (Col 6 L 20-22 memory of the mobile station) operable to store position information(Col 6 L 15-17 and Table 1, location registration code) of a base station in correspondence with a receiving frequency of a broadcast station receivable in an area indicated by the position information (Col 6 L 15-17, broadcast signal from the radio base station); a position information acquisition unit operable to acquire position information of a base station (Col 6 L 10-15, the location registration at the time of starting up is performed by storing in the inside memory of the mobile station the first location registration code out of the two location registration codes in table 1 contained in the broadcast signals from the radio base station); a judgment unit (Col 6 L 22, judges) operable to judge whether the acquired position information of the base station is stored in the storage unit (Col 6 L 20-25, mobile station periodically receives broadcast information, compares the broadcast two location registration codes with the code stored in the memory of the mobile station and judges whether or not the location registration code stored in itself is contained among the two received location registration); an additional recording unit operable to (Col 6 30-35, location registration code is selected and stored in the memory), when the acquired position information is not stored (Col 6 L 25-35, when the stored location registration code is not contained). Fukumine disclose that (Col 6 L 10-55) mobile phone read the detected receiving frequencies stored in correspondence with the acquired position information from the storage unit, and have the broadcast receiving unit receive a broadcast of a broadcast station at the read receiving frequencies. Fukumine differ from claimed invention in not specifically teaching a receiving control unit operable to, in

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response to a receiving instruction from a user. However, Iwanaga disclose (Para 59) the control unit 4 reads out a program preliminarily recorded in ROM and exercises general control over each of the components according to the program. The control unit 4 also executes a process of selecting a transfer target cell and making a transfer to the cell. Therefore, it is obvious to one having ordinary skill in the art at the time the invention was made that a receiving control unit operable to, in response to a receiving instruction from a user and the detected receiving frequencies stored in correspondence with the acquired position information from the storage unit, and have the broadcast receiving unit receive a broadcast of a broadcast station at the read receiving frequencies as per teaching of Fukumine in view of Iwanaga so as to accommodate more subscriber in the area by reducing the concentration of the location registration traffic. Fukumine and Iwanaga differ from the claimed invention in not specifically teaching attempt to detect a receiving frequency of a broadcast station having a receiving intensity of no less than a predetermined level within a frequency range defined for an area indicated by the acquired position information, and additionally record all detected receiving frequencies of broadcast stations in correspondence with the acquired position information in the storage unit. However, Yoshiki discloses (Para 8, 10, 18, 30) a terminal unit which has a position information storage means (101) which memorizes position information of a wireless base station. A broadcast station selecting means (9) and a frequency memory measure (102, 103, and 104) which memorizes at least one broadcasting station frequency about each of position information on two or more wireless base stations. A terminal unit also has a judging means (12, 8) to judge further

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receiving sensitivity in frequency searched means (8) from the 1st in the 3rd one of composition to the 4th to be. A position information restoration means (101) to restore position information on the wireless base stations. The control section 8 will require position information of a wireless base station and will register into the position information registering part 101 in the storage parts store the position information returned from this wireless base station. Further (Para 37-45) disclose that when the frequency corresponding to the second area differ from the frequency which is 1332 KHz and was well aligned above from the correspondence table shown in drawing 2(b) refer to as intensity of no less than a predetermined level within a frequency range defined for an area. So when receiving sensitivity is bad, as long as another frequency about a certain broadcasting station is searched, it is made to align with that frequency. Therefore, it is obvious to one having ordinary skill in the art at the time the invention was made that attempt to detect a receiving frequency of a broadcast station having a receiving intensity of no less than a predetermined level within a frequency range defined for an area indicated by the acquired position information, and additionally record all detected receiving frequencies of broadcast stations in correspondence with the acquired position information in the storage unit as per teaching of Fukumine and Iwanaga and further in view of Yoshiki so as to make a quicker cell transfer, as compared with the case of the mobile communication terminal transferring to the cell while receiving the whole of the broadcast information.

Regarding Claim 3, Fukumine disclose a table acquisition unit operable to acquire frequency range correspondence table that shows a correspondence between area information that identifies

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a country or an area and a frequency range receivable in the identified country or area; and a specification receiving unit operable to receive a specification of a piece of area information, wherein the additional recording unit attempts to detect a receiving frequency of a broadcast station having a receiving intensity of no less than the predetermined level within the frequency range corresponding to the specified piece of area information (Table 1).

Regarding Claim 8, Fukumine disclose wherein the position information is position information of a call area to which the base station belongs (Col 2 L 10-20).

Regarding Claim 10, Fukumine disclose wherein the broadcast is a television broadcast or a radio broadcast (Col 1 L 40-45).

Regarding Claim 12, Fukumine disclose wherein the broadcast is a television broadcast or a radio broadcast (Col 1 L 40-45).

Regarding Claim 15, Fukumine disclose wherein the position information is position information of a call area to which the base station belongs (Col 3 L 49-55).

Regarding Claim 19, Fukumine disclose wherein the position information is position information of a call area to which the base station belongs (Col 3 L 49-55).

Response to Arguments

Applicant's arguments, see Pages 4-10, filed 7/28/2011, with respect to the rejection(s) of claim(s) 1, 3-22 under 35 USC 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Fukumine in view of Iwanaga and further in view of Yoshiki.

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Fukumine disclose storing a location registration code in the memory of the mobile phone and comparing and judging based on location information that the stored location registration code was contained or not refer to as a new location registration area or previously visited registration area. Iwanaga disclose that the control unit 4 reads out a program preliminarily recorded in ROM and exercises general control over each of the components according to the program. The control unit 4 also executes a process of selecting a transfer target cell and making a transfer to the cell. Further, Yoshiki disclose receiving frequency of a broadcast station having a receiving intensity of no less than a predetermined level within a frequency range defined for an area indicated by the acquired position information, and additionally record all detected receiving frequencies of broadcast stations in correspondence with the acquired position information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIZAR SIVJI whose telephone number is (571)270-7462. The examiner can normally be reached on 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NIZAR SIVJI/

Examiner, Art Unit 2617

/George Eng/

Supervisory Patent Examiner, Art Unit 2617

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